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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,950	03/30/2004	Ching-Hu Kung	4686-0105PUS1	3103
2292 7590 09/24/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER LEE, PING	
			ART UNIT 2615	PAPER NUMBER
			NOTIFICATION DATE 09/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/811,950

Applicant(s)

KUNG, CHING-HU

Examiner

Ping Lee

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 5 and lines 16-17, the phrase "an external signal source" is confusing because it is unclear how this is being different from "an external signal source" as specified in lines 3-4 of the same claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 6, 9, 11, 12 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US005822406A).

Regarding claim 1, Brown discloses an audio signal switching mechanism, comprising at least an audio signal changing-over unit (PLUG SWITCH) for selecting a signal input from an external signal source; a micro-processing unit (computer) electrically connected to said audio signal changing-over unit for processing an input

signal selected by the latter; a double-tone multi-frequency receiving unit electrically connected to said micro-processing unit for detecting and decoding any signal input from an external signal source (col. 9, lines 21-30), and sending the decoded input signal to said micro-processing unit; and an audio signal multiplex processing unit (203-206) electrically connected to said micro-processing unit and said audio signal changing-over unit for selecting or switching a signal passing through said audio signal changing-over unit or input via an external signal source.

Regarding claims 2 and 3, although not explicitly shown, said audio signal changing-over unit, said micro-processing unit, said double-tone multi-frequency receiving unit, said audio signal multiplex processing unit are electrically connected to a power supply unit with a power supply socket.

Regarding claims 4 and 17, the claimed microphone socket is inherently provided on the plug switch.

Regarding claims 5, 18 and 19, the claimed audio source socket is inherently provided on the plug switch. The plug switch is coupled to a computer.

Regarding claims 6, 9, 11 and 12, although not explicitly shown, a first communication socket is provided to connected the telephone to provide DTMF selection signal; wherein the DTFM signal is generated by a communication carrier.

Regarding claim 14-16, the claimed second communication socket reads on the socket coupled to the telephone, which has a telephone line.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

The system of Brown has been discussed above. Regarding claims 7 and 8, Brown fails to show that the audio signal changing-over unit, the micro-processing unit, the double-tone multi-frequency receiving unit and the audio signal multiplex processing unit are integrated on a single chip. It would have been obvious to one of ordinary skill in the art to integrally mount the audio signal changing-over unit, the micro-processing unit, the double-tone multi-frequency receiving unit and the audio signal multiplex processing unit, since it has been held to be within the general skill of a worker in the art to make several parts unitary as a matter of obvious engineering choice. In re Larson, 144 USPQ 347 (CCPA 1965); In re Lockart, 90 USPQ 214 (CCPA 1951).

Regarding claim 10, Brown fails to show a fax machine. Brown teaches a telephone allowing the user to make selection and control using DTMF. It was well known in the art that a fax machine could provide the same function, in addition to transmit still image. Examiner takes Official Notice that this feature is notoriously well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to

modify Brown by using a fax machine instead of a regular telephone in order to allow the user to use the fax machine as a regular telephone in addition to fax document.

Regarding claim 13, Brown teaches a wired telephone, instead of claimed wireless telephone. It was well known in the art that they are functionally equivalent. With the wired one provide more security and less noise and the wireless counterpart provide flexibility. Thus, depending on the preference, it would have been obvious to one of ordinary skill in the art to modify Brown by using wireless telephone in order to allow the user to move around without restricted by the telephone cord as in the wired telephone.

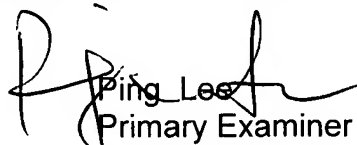
7. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Young, III (hereafter Young) (US 5,694,467).

Regarding claims 20 and 21, Brown fails to show a stereo system or a television set. Young teaches the benefit of allowing the user to listen to external music while working and with the possibility of answering the telephone. The CD in Young could a stereo sound source. Furthermore, at the time of the invention was made, there is a device with the combination of the stereo FM radio and TV available. Therefore, it would have been obvious to one of ordinary skill in the art to modify Brown in view of Young by coupling stereo source or TV with the telephone in order to allow the user to work more efficiently in a noisy environment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ping Lee
Primary Examiner
Art Unit 2615

pwl